

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated March 13, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-15 are pending in the Application.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

In the Office Action, the specification is objected to for containing references to the claims as well as other minor informalities. In accordance with the Examiner's suggestions, the references to the claims in the specification are deleted herein and the minor informalities are corrected. Accordingly, it is respectfully requested that the objections to the specification be withdrawn.

It is noted that as indicated in the Office Action, if non-patent material is incorporated by reference in the specification and is relied on in a claim to overcome an objection, the essential material must be added by amendment to the specification. The Applicants have elected to not include such an amendment at this

time however respectfully reserve the right to incorporate such material at a future time should such incorporation be desirable or required at such future time.

In the Office Action, the drawings are objected to because FIG. 9 includes items 51-55 that are not referenced in the specification. The specification is amended herein to include references to items 51-55. Accordingly, withdrawal of the objection to the figures is respectfully requested.

Claims 1-15 are objected to for informalities. In accordance with the helpful suggestions contained in the Office Action, the claims are amended to cure the noted informalities. Accordingly, withdrawal of the objection to the claims is respectfully requested.

Claims 1-6 and 12-15 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Without agreeing with the Examiner, and to expedite consideration and allowance of the present application, Applicants have elected to amend the claims in accordance with the suggestions contained in the Office Action. Accordingly, it is respectfully requested that the amendment to the claims be entered and that the rejection of claims 1-6 and 12-15 under 35 U.S.C. §101 be withdrawn.

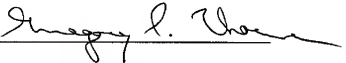
Claims 1-6 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention since the claims are device claims, however it is alleged that the claims merely recite method steps without corresponding structure for carrying out the claimed steps. This position is respectfully refuted in that the claim 1, for example as previously presented provided (emphasis added) "a detector comprising energy resolving detector elements, wherein a memory is provided for storing ..., and wherein a processor is provided which is adapted to perform ..." However, to further the prosecution of this matter, claim 1 is amended herein to clarify what was previously claimed. This amendment to claim 1 is not intended to narrow the scope of the originally submitted claims and is merely submitted to expedite consideration and allowance of the claims. It is respectfully submitted that the explanation provided above and the amendment to claim 1 overcomes the 35 U.S.C. §112, second paragraph rejection. Accordingly, it is respectfully requested that the 35 U.S.C. §112, second paragraph rejection be withdrawn.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the

foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

BY 

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